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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,825	12/28/2001	Kimihito Yamasaki	4074-2	5543

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EXAMINER	
TRAN, MAI T	
ART UNIT	**PAPER NUMBER**
2129	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/028,825	YAMASAKI ET AL.	
	Examiner	Art Unit	
	Mai T. Tran	2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *June 5, 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

REMARKS

The amendment filed June 5, 2005 has been entered. Claims 1-9 are pending. Claims 7, 8, and 9 have been amended.

Examiner withdraws the rejection to claim 8 under 35 U.S.C. §101, corresponding to applicants' amendment.

CLAIM REJECTIONS - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "said storing means" in the last 2 lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

CLAIM REJECTIONS - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-9** are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuzaki et al (U.S. 5,357,439), hereinafter Matsuzaki.

Claim 1

A managing method for ordering a composite apparatus formed by composing a plurality of units through an ordering apparatus and for managing said ordered composite apparatus, comprising the steps of:

causing said ordering apparatus to receive unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65) and create composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56);

causing said composite apparatus to recognize unit information for specifying units to be composed itself and create composite state information for specifying a composite state of units based on the recognized unit information (col. 2, lines 10-15), according to the same rule as said rule (col. 16, lines 49-56); and

comparing the composite state information created by said ordering apparatus and the composite state information created by said composite apparatus (col. 3, lines 14-19).

Claim 2

A managing system comprising an ordering apparatus and a composite apparatus formed by composing a plurality of units, for ordering said composite apparatus through said ordering apparatus and for managing said ordered composite apparatus, wherein

said ordering apparatus comprises:

means for receiving unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65); and

first creating means for creating composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56), and said composite apparatus comprises:

means for recognizing unit information for specifying units to be composed itself (col. 2, lines 10-15); and

second creating means for creating composite state information for specifying a composite state of units based on the recognized unit information (col. 2, lines 10-15), according to the same rule as said rule (col. 16, lines 49-56).

Claim 3

The managing system as set forth in Claim 2, wherein said ordering apparatus further comprises storing means for storing the composite state information created by said first creating means in association with composite apparatus information for specifying the composite apparatus (col. 7, lines 2-7).

Claim 4

The managing system as set forth in Claim 3, wherein

said ordering apparatus and said composite apparatus are connected through a communication network (col. 5, lines 58-61),

said composite apparatus further comprises means for transmitting the composite state information created by said second creating means to said ordering apparatus (col. 3, lines 7-11), and

said ordering apparatus further comprises means for comparing the transmitted composite state information and the composite state information corresponding to the composite apparatus information stored by said storing means (col. 3, lines 14-19).

Claim 5

The managing system as set forth in Claim 2, further comprising a managing apparatus, connected to said ordering apparatus and said composite apparatus through a communication network, for managing said composite apparatus, wherein

said ordering apparatus further comprises means for transmitting the composite state information created by said first creating means and composite apparatus information for specifying the composite apparatus to said managing apparatus (col. 5, lines 58-64),

said composite apparatus further comprises means for transmitting the composite state information created by said second creating means to said managing apparatus (col. 5, lines 58-64), and

said managing apparatus further comprises means for comparing the composite state information transmitted from said ordering apparatus and the composite state information transmitted from said composite apparatus (col. 3, lines 14-19).

Claim 6

A composite apparatus formed by composing a plurality of units, comprising:

means for recognizing unit information for specifying units to be composed (col. 2, lines 10-15):

means for creating composite state information for specifying a composite state of units based on the recognized unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56); and

means for outputting the created composite state information to exterior (col. 1 line 68, col. 2 line 1).

Claim 7

An ordering apparatus for ordering a composite apparatus formed by composing a plurality of units, comprising:

means for receiving unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65);

means for creating composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56); and

means for when receiving composite state information created according to the same rule as said rule and transmitted from the composite apparatus specified by the composite apparatus information stored by said storing means, comparing received composite state information and the composite state information stored in said storing means (col. 3, lines 7-25).

Claim 8

A recording medium on which a computer program is stored, the computer program for ordering a composite apparatus formed by composing a plurality of units, the recording medium causing via the computer program causing steps comprising the following to be performed:

causing a computer to receive unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65);

causing a computer to create composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56);

causing a computer to store the created composite state information in association with composite apparatus information for specifying the composite apparatus (col. 7, lines 2-7); and

causing a computer to, when receiving composite state information created according to the same rule as said rule and transmitted from the composite apparatus specified by the stored composite apparatus information, compare received composite state information and the stored composite state information (col. 3, lines 7-25).

Claim 9

A memory product readable by computers and storing therein a computer program for ordering a composite apparatus formed by composing a plurality of units, including:

computer readable code means to cause a computer for receiving unit information for specifying units constituting a composite apparatus (col. 1, lines 62-65); Examiner interprets computer readable code means as product steps.

computer readable code means to cause a computer for creating composite state information for specifying a composite state of units based on the received unit information (col. 2, lines 10-15), according to a predetermined rule (col. 16, lines 49-56);

computer readable code means to cause a computer for storing the created composite state information in association with composite apparatus information for specifying the composite apparatus (col. 7, lines 2-7); and

computer readable code means for causing a computer to, when receiving composite state information created according to the same rule as said rule and transmitted from the composite apparatus specified by the stored composite apparatus information, compare received composite state information and the stored composite state information (col. 3, lines 7-25).

RESPONSE TO ARGUMENTS

Applicants' arguments for the claims 1, 2, 6, 7, 8, and 9 not being anticipated by Matsuzaki have been fully considered but they are not persuasive. For example, in claim 1 Applicants argue, "*Matsuzaki (US 5,357,439) relates to a system for ordering a "toy plane" (col. 9, line 54)... does not "recognize unit information for specifying units to be composed itself and create composite state information for specifying a composite state of units based on the recognized unit information" and also does not create composite state information as required by claim 1.* Applicants' conclusory statement does not shift the burden of proof i.e. applicants merely recited the claim limitation and have not provided any supporting or convincing evidence. Accordingly, the rejection of the claims over the prior art in the previous office action is maintained.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

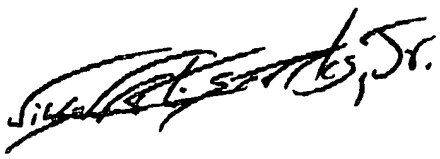
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CORRESPONDENCE INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mai T. Tran whose telephone number is (571) 272-4238. The examiner can normally be reached on M-F 9:00am-- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M.T.T
Patent Examiner
Date: 8/16/2005

Wilbert L. Starks
Primary Examiner
Tech Center 2100